

ZB# 93-45

Tobio Pacione

13-11-4

Prelim.

Oct. 25, 1993.

~~Need read notice~~
~~of Sentinel~~ -

Need copy of:

- ① Need 4 here.
- ② Title Report & none
- ③ Photos 4 here
- ④ Fees: ① 50.00 bird
letters out. ② 292.00

Notice to Sentinel, 11/10/93.

Public Hearing:

Nov. 22, 1993

Area Variance
approved

#93-45 - Facione, Tobio -
Area.

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

13739

Nov. 23 19 93

Received of Julio J. Racore \$ 50.00
Fifty and — 00 DOLLARS
For 3BA - #93-45 100

DISTRIBUTION:

FUND	CODE	AMOUNT
00 1199		50.00

By Pauline Y. Townsend
Town Clerk

Title



210494 - La B. & D. & D. & D.

FUND	CODE	AMOUNT
00	1199	50.00

© WILLIAMSON LA

By Vaughn E. Cournoyer
Down Clerk
Title





1140 is National Drive
Ore.

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Pacione, Tobio

FILE # 93-45

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 292.00

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE	\$	_____
2ND PRELIM. MEETING - PER PAGE	\$	_____
3RD PRELIM. MEETING - PER PAGE	\$	_____
PUBLIC HEARING - PER PAGE	\$	_____
PUBLIC HEARING (CONT'D) PER PAGE	\$	_____
TOTAL	\$	_____

ATTORNEY'S FEES:

PRELIM. MEETING- _____	HRS.	\$	_____
2ND PRELIM. _____	HRS.	\$	_____
3RD PRELIM. _____	HRS.	\$	_____
PUBLIC HEARING _____	HRS.	\$	_____
PUBLIC HEARING _____	HRS. (CONT'D)	\$	_____
FORMAL DECISION _____	HRS.	\$	_____
TOTAL HRS. _____	@ \$ _____	PER HR.	\$ _____
		TOTAL	\$ _____

MISC. CHARGES:

_____ TOTAL \$ _____

LESS ESCROW DEPOSIT . . . \$ _____
(ADDL. CHARGES DUE) . . . \$ _____
REFUND TO APPLICANT DUE . \$ _____

(ZBA DISK#7-012192.FEE)

-----X

In the Matter of the Application of

DECISION GRANTING
AREA VARIANCES

TOBIO PACIONE,

#93-45.

-----X

WHEREAS, TOBIO PACIONE, 278 Quassaick Avenue, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for (1) 200 s.f. lot area variance, (2) 20 ft. front yard variance for residence, (3) 2 ft. 4 in. side yard variance for existing deck, (4) 14 ft. rear yard variance for existing deck, plus (5) 7 ft. rear yard variance for an existing shed located on his residential parcel at 30 Melrose Avenue in an R-4 zone; and

WHEREAS, a public hearing was held on the 22nd day of November, 1993 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant appeared in behalf of herself and spoke in support of the application; and

WHEREAS, there was one spectator appearing who spoke at the public hearing, to wit, Stella Orzechowski, who has lived in the neighborhood for years, who had no objection to the variance sought by the applicant, and who felt that the applicant's house does not detract from any other house in the neighborhood and does not lower the price of the houses on that street; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also, as required by law.

2. The evidence shows that applicant is seeking permission to vary the provisions of the bulk regulations pertaining to lot area, front yard, side yard and rear yard in order to maintain an existing residence, deck and shed (accessory building) located on his residential parcel in an R-4 zone.

3. The evidence presented by the applicant substantiated the fact that a variance for less than the allowable lot area, front yard, side yard and rear yard would be required in order for applicant to obtain a certificate of occupancy for the existing residential parcel, shed and deck located at the applicant's residential dwelling, which otherwise would conform to the bulk regulations in the R-4 zone.

4. The evidence presented by the applicant indicated that the residential dwelling was constructed after the original house

on the site was destroyed in a gas explosion in the mid 1970's. Presumably the undersize lot and inadequate setbacks for that predecessor house were established long prior to the adoption of the Zoning Local Law of the Town of New Windsor, New York. Due to lack of clear evidence to the contrary, it appears that said nonconforming lot and predecessor nonconforming building lost its pre-existing, nonconforming status because the replacement house was not reconstructed within a sufficient period of time to avoid losing its "grandfathered" status, and/or because the replacement house was not reconstructed on the same foundation and with the same dimensions as the predecessor nonconforming building. The records indicate that there was no certificate of occupancy issued for the new residence which applicant purchased two years after reconstruction. In addition to the lot area and front yard variances, applicant also requires side and rear yard variances for the existing deck and a rear yard variance for the existing shed, both structures having been constructed by applicant without the benefit of a building permit.

5. The applicant now submits the instant application for area variances in order to try to obtain a Certificate of Occupancy for the existing residence, shed and deck.

6. The evidence presented by the applicant indicated that when applicant replaced the replacement house's back stairway and porch with a larger deck, the increase in the size of the structure created the need for the rear and side yard variances. The shed was constructed without a building permit and since it was too close to the rear property line, a variance was also required in order for applicant to obtain a certificate of compliance.

7. The evidence presented by the applicant indicated that it was necessary to replace the said back stairway and porch for safety reasons since they were beginning to rot away. The applicant sought to improve the property by replacing the same with a larger deck. The pre-existing location of the porch was used for the deck since there was already a back entrance off the kitchen there. Consequently it would have been uneconomic for applicant to try to locate the deck elsewhere or in a conforming manner (which would not allow a usable deck due to the constraints of the already undersize lot dimensions) since any other location would lack utility and not be functional.

8. The evidence presented by the applicant further indicated that he located the shed in what he believed to be the best spot in the rear yard therefor. It was located near a large pine tree which helps screen the shed from view and it backs up to the garage on the neighboring property so there is virtually no visual impact from the neighboring properties.

9. The evidence presented by the applicant, and the Board's familiarity with the area, indicated that many of the neighboring properties are improved with porches and decks, as well as with sheds and garages, of a comparable size to the deck and shed which are the subject of this application.

10. The evidence presented by the applicant also indicated

that the neighborhood surrounding the subject site is devoted to residential uses.

11. It is the finding of this Board that the neighborhood in which the subject property is located was subdivided and developed well prior to the adoption of zoning in the Town of New Windsor. Consequently the lot size, and front, side and rear yard set backs all are comparable to other properties in the neighborhood although some of these dimensions might be substantially undersize when compared to current bulk regulations in the R-4 zone.

12. It is the finding of this Board that the requested variance, if granted, will not blight the proper and orderly development and general welfare of the community since many of the residential dwellings located in the immediate area also have porches and decks, and garages or sheds of comparable dimensions.

13. Given these factors, it is the finding of this Board that the applicant's existing deck and shed have not had, and will not have, an adverse effect on property values in the neighborhood.

14. The evidence presented by the applicant further substantiated the fact that the requested variances, if granted, would not have a negative impact on the physical or environmental conditions in the neighborhood since the shed and deck are existing structures, enhance the applicant's dwelling, are well-concealed from view, and do not detract from the neighborhood. The residential dwelling, deck and shed have existed on the undersized lot for a number of years without generating any adverse comment at the public hearing.

15. It is the finding of this Board that the proposed variance will not adversely impact the public health, safety and welfare.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variances are substantial in relation to the bulk regulations for lot area, front yard, side yard and rear yard. However, it is the conclusion of this Board that the granting of the requested substantial area variances are warranted here because of the fact that the original lot was a pre-existing, nonconforming lot, which was typical of the neighborhood. The applicant's improvements on this lot are of a size typical in this neighborhood. Consequently, although the variances granted herein are substantial, it is typical of these undersize, pre-existing, nonconforming lots which do not meet the

current bulk requests of the R-4 zone.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is partially self-created since apparently the applicant's predecessor in title did not apply for a building permit to replace the original house after it was destroyed in a gas explosion, which omission is attributable to the applicant, and in addition, the applicant did not apply for a building permit for replacement of the porch with a new deck structure and for placement of the shed too close to the property line. He is now seeking to rectify the situation by the appropriate application to this Board.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested area variances are the minimum variances necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

NOW, THEREFORE, BE IT

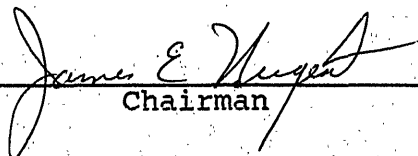
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT (1) 200 s.f. lot area variance, (2) 20 ft. front yard variance for the existing residence, (3) 2 ft. 4 in. side yard variance for the existing deck, (4) 14 ft. rear yard variance for existing deck, and (5) 7 ft. rear yard variance for existing shed in order to permit all said improvements to remain in their present locations, at 30 Melrose Avenue in an R-4 zone, as sought by applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: January 24, 1994.

(ZBA DISK#10-123093.TP)


Chairman

PACIONE, TOBIO

MR. NUGENT: Request for 200 s.f. lot area, 20 ft. front yard for residence; 2 ft. 4 in. side yard and 14 ft. rear yard for deck and 7 ft. rear yard for shed, all existing at 30 Melrose Avenue in an R-4 zone.

MR. LUCIA: Do you have a couple checks for us?

MR. PACIONE: Yes.

MR. LUCIA: Give them to Pat before the end of the meeting is fine, go ahead. This is the public hearing so you are going to have to explain to the board what it is you're seeking.

MR. PACIONE: Seeking a variance for a deck that was built in place of a back porch, back porch rotted away for safety reasons and just general better living conditions, built a deck to replace the porch and also added a shed, the shed in the yard just for tools and snow blower, lawn mower, just to keep out of sight. That is basically it. We're in the process of selling the house. It was discovered that a C.O. was never issued for the property. The structure was built approximately 17, 18 years ago on an existing lot, previous house had exploded, I understand a gas explosion demolished the house. John Petro, Jack Babcock built the house, house was up about 2 years, I bought the house and I assumed Babcock's mortgage and the rest I just told you.

MR. LUCIA: This I think just repeats some of the things we covered at preliminary, the house was rebuilt on the existing foundation, is that correct?

MR. PACIONE: I don't know that it was built on the existing foundation, I couldn't tell you that.

MR. LUCIA: But there was a gap between the destruction of the prior house and reconstruction of this of more than one year?

MR. PACIONE: I couldn't tell you that.

24A
Disk 10 - 123093.TP

MR. LUCIA: That is why you are here for the area variances because there was no proof in the record that it was grandfathered.

MR. PACIONE: I have no idea, the house was built a year and a half, two years old when I bought it so I don't know what happened.

MR. LUCIA: The area was subdivided though prior to the adoption of zoning when the first house was built before 1966, I assume?

MR. PACIONE: I would say so.

MR. LUCIA: So the lot area has been existing since then?

MR. PACIONE: Forty eight hundred square foot lot, yes.

MR. LUCIA: And the dimensions of the replacement house are comperable to other houses in the neighborhood?

MR. PACIONE: Yes, pretty much.

MR. LUCIA: Setbacks comperable.

MR. PACIONE: Yes.

MR. LUCIA: Side yards, rear yards comperable?

MR. PACIONE: Yes.

MR. LUCIA: Do many houses also have decks in the neighborhood?

MR. PACIONE: Yes, small porches or decks.

MR. LUCIA: Do many or most have sheds?

MR. PACIONE: Garages or sheds, yes.

MR. LUCIA: Each would be similar in size to yours?

MR. PACIONE: I'd say so.

MR. LUCIA: Why was the deck I guess you said you replaced the porch, why was it located there? Is that for layout in the house or traffic flow.

MR. PACIONE: It was a back entrance off the kitchen.

MR. LUCIA: That was the most logical place for it?

MR. PACIONE: Yes.

MR. LUCIA: How about the shed that is located in the rear yard?

MR. PACIONE: Yes.

MR. LUCIA: And why was that location chosen for the shed?

MR. PACIONE: It was the best spot.

MR. LUCIA: Is there an impact on the neighbor, is there shrubbery or anything to conceal the shed or ameliorate the impact on neighbors?

MR. PACIONE: The back property there's a huge pine tree. Matter of fact, the shed faces the back of a garage. May show in the picture, it's not blocking any views or anybody's clothesline.

MR. LUCIA: Faces the back of a neighbors garage?

MR. PACIONE: Yes.

MR. LUCIA: Do you feel an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties created by the granting of these areas variances?

MR. PACIONE: No.

MR. LUCIA: Is the benefit which you seek here achievable by some other method feasible for you to pursue other than an area variance?

MR. PACIONE: I don't know of any.

MR. LUCIA: Are the requested area variances substantial that is in terms of numbers?

MR. PACIONE: No.

MR. LUCIA: Given the size of the lot and houses nearby that have typical improvements that are similar in size?

MR. PACIONE: Yes.

MR. LUCIA: Will the proposed variance have an adverse effect or impact on physical or environmental conditions in the neighborhood or district?

MR. PACIONE: No, sir no.

MR. LUCIA: Was this difficulty self-created?

MR. PACIONE: I guess it was in that I put the deck up.

MR. LUCIA: But you're doing what you can to rectify the situation?

MR. PACIONE: Yes.

MR. LUCIA: Thank you.

MR. HOGAN: Question, when you were here before us you said you were going to remove the shed. Have you changed your mind?

MR. PACIONE: Right, I brought that up with the hope of possibility of avoiding this. If I was able to move it without going through this so the house is for sale, it's a selling point and if I can get it done, I'd like to get it done this way.

MR. LUCIA: Thank you. I didn't see a title policy or search. The reason for asking that is just to determine if there might be applicable covenants or restrictions or grants or easements that might prohibit you from maintain anything concerning which you're

seeking a variance since we haven't reviewed that it's not something we can consider so you do that at your own risk. I'll just ask you is there anything effecting title to the property which would prohibit you from maintaining any of the structures concerning which you're now seeking a variance in the present location?

MR. PACIONE: No.

MR. LUCIA: Thank you.

MRS. STELLA ORZECOWSKI: I lived one block away from this gentleman's property for about 57 years. I came when I was five years old. That is supposed to be a joke. Anyway, this piece of property of his does not distract from any other house in the neighborhood. Also in my opinion, as of right now, it does not lower the price of my house on that particular street. How about that? Do I get anything on the way out?

MR. LUCIA: You have no objection to variances?

MS. ORZECOWSKI: It's a lovely house.

MR. LUCIA: Do you have any objection to variances they are seeking?

MRS. ORZECOWSKI: There's nobody there and I don't.

MR. LUCIA: You don't, thank you.

MRS. ORZECOWSKI: Nobody else showed up.

MR. NUGENT: Seeing how there's no public hearing for this particular application, other members of the public, I'll entertain a motion.

MR. LANGANKE: Make a motion we grant the variance.

MR. TANNER: Second it.

ROLL CALL

MR. TANNER AYE

November 22, 1993

53

MR. LANGANKE	AYE
MR. HOGAN	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. TANNER: Make a motion we adjourn the meeting.

MR. HOGAN: Second it.

ROLL CALL

MR. TANNER	AYE
MR. LANGANKE	AYE
MR. HOGAN	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

Respectfully Submitted By:



Frances Roth
Stenographer

12/7/93

cc: B.D.

CUOMO ENGINEERING
CONSULTING ENGINEER
STEWART INTERNATIONAL AIRPORT
2005 D STREET, BLDG. #704.
NEW WINDSOR, NY 12553

ENGINEERS REPORT

DATE: OCTOBER 15, 1993

LOCATION: 30 MELROSE AVENUE, TOWN OF NEW WINDSOR

PRESENT OWNER: SUSAN AND TOBIO PACIONE

EVALUATION FOR: SUSAN PACIONE

JOB #: 93338

1. TYPE OF STRUCTURE: One story frame with three bedrooms.

2. BASIC EXTERIOR CONSTRUCTION:

A. FOUNDATION: Parged, concrete block

CONDITION: Good

B. EXTERIOR WALLS: Wood clapboard

CONDITION: Good

C. WINDOW SASH: Vinyl with wood shutters

CONDITION: Good

D. EXTERIOR TRIM: Vinyl and wood vinyl soffits

CONDITION: Good

E. ROOF: Asphalt

CONDITION: Good

3. BASIC INTERIOR CONSTRUCTION:

- A. LOWER LEVEL: The basement level has been finished but it uninhabital space as the ceilings are 6'-8" high which are too low.

CONDITION:

- B. FLOORS:

SUBSTRUCTURE: 4 - 2 x 8 girder with lally columns at 7' - 0" o.c.

SUBFLOORING: Plywood

FINISHED FLOORING: Hardwood

CONDITION: Excellent

- C. INTERIOR WALLS AND CEILINGS: Sheet rock

CONDITION: Good

Ceiling leak into basement caused by leak in toilet - has been corrected.

- D. ATTIC: Insulated

CONDITION: Good

4. UTILITIES:

- A. ELECTRICAL SYSTEM: To be done by others

CONDITION: N/A

- B. PLUMBING SYSTEM: All copper and plastic
Town water and sewer

CONDITION: Good

- C. HEATING SYSTEM: Oil fired furnace with hot water base-board

CONDITION: Good

5. OTHER STRUCTURES/SITES:

A. FRONT(STOOP/PORCH): Concrete covered with flagstone

CONDITION: Excellent

B. REAR DECK: Treated wood with hedger board lagged into house. All members have sufficient strength
Concrete patio under deck

CONDITION: Excellent

C. GUTTERS AND DOWN SPOUTS: Aluminum


CONDITION: Good

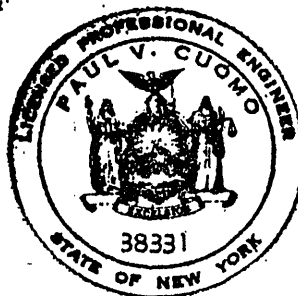
D. DRIVEWAY: Black top

CONDITION: Good

6. CONCLUSION:

This house is in overall good to excellent condition.
If the electrical inspection passes, I would recommend
this house for a Certificate of Occupancy.


PAUL V. CUOMO, P.E.
CONSULTING ENGINEER



Prelim: Oct. 25, 1993.

Page 1 of 2 Pages

#93-45

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: AUGUST 27, 1993

Amended: 10/7/93

APPLICANT: TOBIO J. PACIONE
278 QUASSAICK AVENUE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: AUGUST 27, 1993
FOR (BUILDING PERMIT): EXISTING WOOD DECK
LOCATED AT: ~~30 MELROSE AVENUE~~

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 13, BLOCK: 11, LOT: 4

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. INSUFFICIENT REAR YARD SET BACK.

- | | | | |
|----|---|------------|---------|
| 2. | " | Lot area | } Deck. |
| 3. | " | front yard | |
| 4. | " | Side yard | |
| 5. | " | Rear yard | |

[Signature]
BUILDING INSPECTOR

REQUIREMENTS

PROPOSED OR AVAILABLE

VARIANCE REQUEST

ZONE: R-4 USE [REDACTED]
 MIN. LOT AREA 48-26E1 5000 - 4800 sq ft - 200 sq ft
 MIN. LOT WIDTH
 REQ'D FRONT YD 48-26E4 35 - 15' - 20'
 REQ'D SIDE YD 48.26E(7) 12FT. 9FT. 8IN. 2FT. 4IN.
 REQ'D TOTAL SIDE YD
 REQ'D REAR YD. G-10 40FT. 26FT 14FT.
 AREA [REDACTED] [REDACTED] [REDACTED]

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
 914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

*re-
 * built after gas explosion - 1973.*

lot size: 4,800 s.f.

** Approved
 10-7-93
 Approved
 10-7-93
 Jan*

Prelim. : Oct, 25, 1993.
Page 2 of 2
Pages.
93-45

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: OCTOBER 7, 1993

APPLICANT: TOBIO J. PACIONE
278 QUASSAICK AVENUE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: OCTOBER 7, 1993
FOR (BUILDING PERMIT): AND EXISTING 10FT. X 12FT. SHED
LOCATED AT: 30 MELROSE AVENUE

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 13, BLOCK: 11, LOT: 4
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. INSUFFICIENT REAR YAR SET-BACK.


BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4	USE 48-14 A-1(B)	
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD		
REQ'D TOTAL SIDE YD		
REQ'D REAR YD. (shed)	10FT.	3FT. 7FT.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

Prelim.
Oct. 25, 1993
7:30 p.m.
93-45

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: AUGUST 27, 1993

APPLICANT: TOBIO J. PACIONE
278 QUASSAICK AVENUE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: AUGUST 27, 1993
FOR (BUILDING PERMIT): EXISTING WOOD DECK
LOCATED AT: 30 MELROSE AVENUE

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 13, BLOCK: 11, LOT: 4
IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. INSUFFICIENT REAR YARD SET BACK.

Shirak Lin
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4	USE G-10	
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD		
REQ'D TOTAL SIDE YD		
REQ'D REAR YD.	40FT.	26FT. 14FT.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

IMPORTANT REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).

FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.

INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.

WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.

INSULATION.

PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.

DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.

\$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.

PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.

1. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.

2. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.

3. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.

4. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.

5. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

PLEASE PRINT INFORMATION

Name of Owner of Premises TOBIO J. PACTONE

Address 30 MELROSE AVE., NEW WINDSOR Phone 562-5457 Work 563-5362

Name of Architect

Address Phone

Name of Contractor MATT JOHNSON (OUT OF BUSINESS)

Address UNKNOWN Phone UNKNOWN

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the SOUTH side of MELROSE AVE.
(N.S.E. or W.)
and 200 feet from the intersection of CLANNEY AVE.

CERTIFICATE OF OCCUPANCY MUST BE OBTAINED FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
INSULATION.

PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.

DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.

\$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.

PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.

THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.

1. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.

2. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.

3. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.

4. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

PLEASE PRINT INFORMATION

Name of Owner of Premises TORIN J. PACTONE
Address 30 MELROSE AVE, NEW WINDSOR Phone 562-5457 Work- 563-5362
Name of Architect _____
Address _____ Phone _____
Name of Contractor MATT JOHNSON (OUT OF BUSINESS)
Address UNKNOWN Phone UNKNOWN
State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER
If applicant is a corporation, signature of duly authorized officer, _____

(Name and title of corporate officer)

1. On what street is property located? On the SOUTH side of MELROSE AVE.
(N.S.E. or W.)
and 200 feet from the intersection of CLAUDE AVE.
2. Zone or use district in which premises are situated Res Is property a flood zone? Yes No
3. Tax Map description of property: Section 13 Block 11 Lot 4
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy RESIDENCE b. Intended use and occupancy RESIDENCE WITH DECK
5. Nature of work (check which applicable): New Building _____ Addition _____ Alteration _____ Repair _____
Removal _____ Demolition _____ Other REPLACE BACK STAIRS WITH DECK EXISTING 10x13 WOOD DECK
6. Size of lot: Front Rear _____ Depth _____ Front Yard _____ Rear Yard _____ Side Yard _____
Is this a corner lot? NO
7. Dimensions of entire new construction: Front 13' Rear _____ Depth 12' Height 2' Number of stories _____
8. If dwelling, number of dwelling units _____ Number of dwelling units on each floor _____
Number of bedrooms 4 Baths 2 Toilets 2
Heating Plant: Gas _____ Oil ✓ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost \$1,500.00 Fee \$20.00
(to be paid on this application)
11. School District NEWBURGH / NEW WINDSOR

10x13 WOOD DECK
INSTALLED 1989 S

Per Mike B.
Need Engineers
Report for Home
AND DECK

XEROX TELECOPIER 295 ; 18-26-93; 6:15 AM;

AUG-23-93 MON 15:47 0

5656937 →

914563521 ; # 1,

AUG 13 '93 15:16 TOWN OF NEW WINDSOR

P.2/2 P = 01

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examiner.....19.....
Approver.....19.....
Disapproved a/c.....
Permit to.....

Office Of Building Inspector
Michael L Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Ref: -

Planning Board.....

Highway.....

Street.....

Water.....

Zoning Board of Appeals.....

Date..... AUG 24 1993

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

.....
(Signature of Applicant)

30 MELROSE AVE. NEW WINDSOR
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Examiner.....19.....
Approve.....19.....
Disapproved s/c.....
Permit No.....

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Ref: -
Planning Board.....
Highway.....
Set of.....
Water.....
Zoning Board of Appeals.....

APPLICATION FOR BUILDING PERMIT
Pursuant to New York State Building Code and Town Ordinances

Date.....Aug 4 1993.....

INSTRUCTIONS

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- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

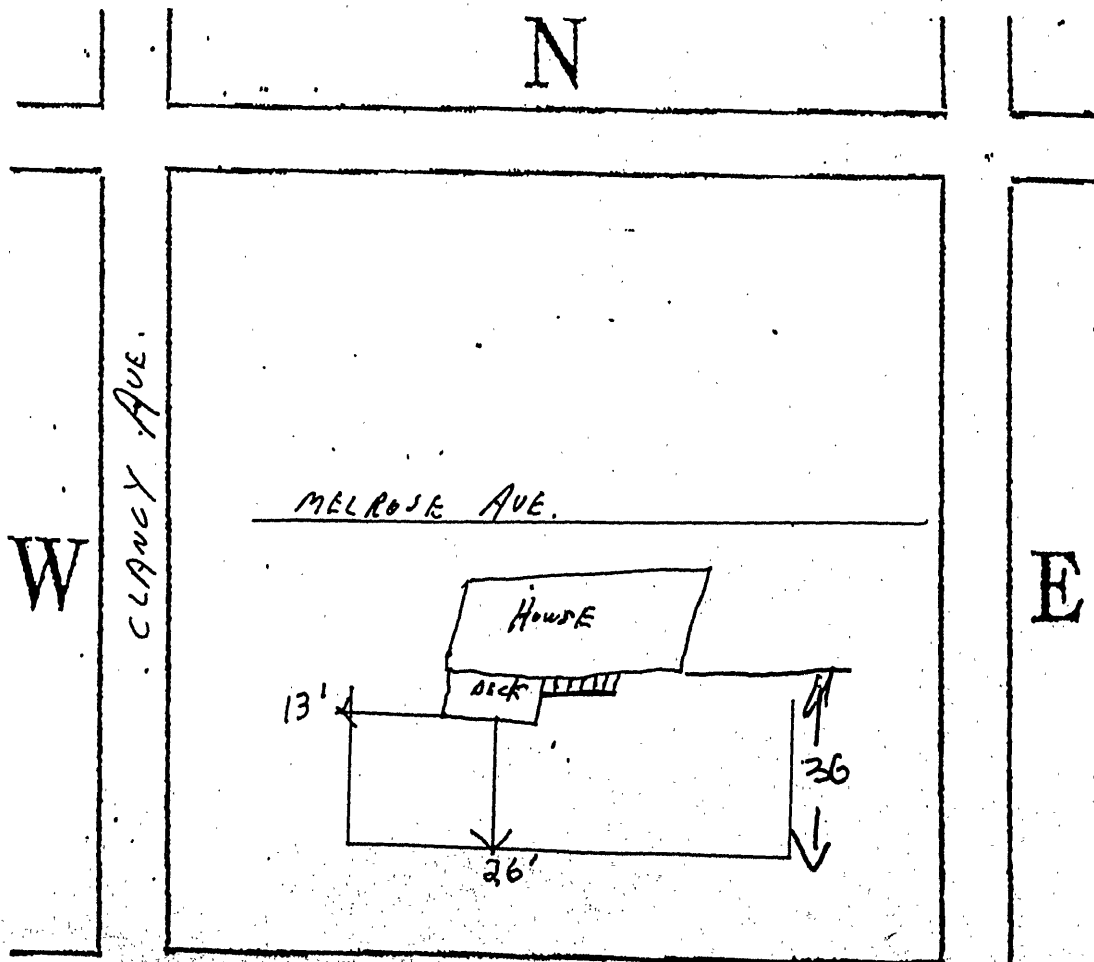
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

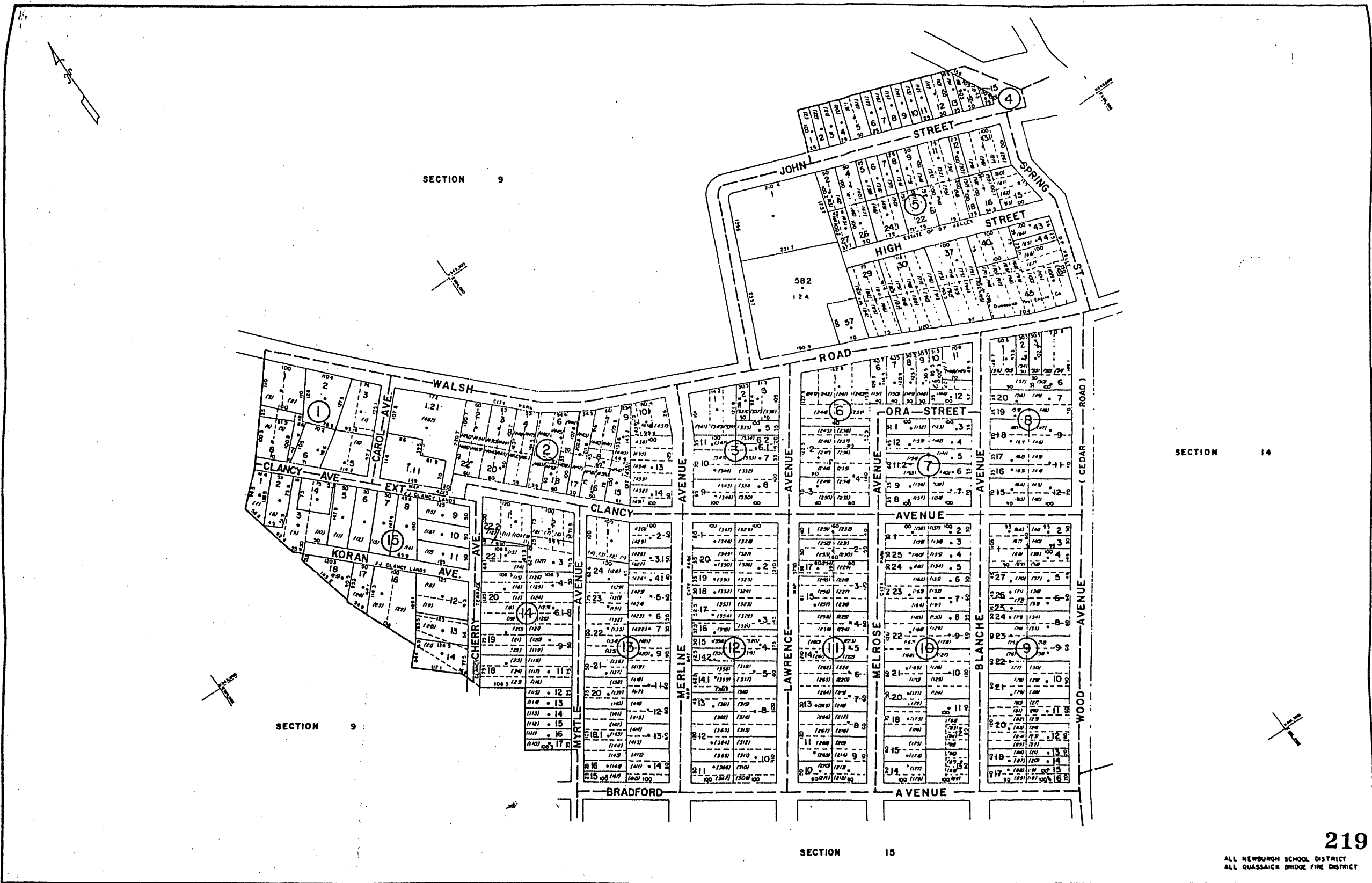
John J. [Signature]
(Signature of Applicant)

30 MELROSE AVE. NEW WINDSOR
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.





Prepared by
 ORANGE CO. TAX MAP DEPT.
 MAIN ST., BOONE, N. Y. 10864
 1989
 FOR TAX PURPOSES ONLY
 NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATION COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY TOWN OR VILLAGE	BASEMENT LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK & SECTION LINE	MATCH LINE	AREA (100' x 100' = 1 Acre)	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAM	DIMENSIONS (Feet) or (Acres)	COUNTY HIGHWAYS
PROPERTY LINE	GRID COORDINATE CENTER		TOWN ROADS

ORANGE COUNTY-NEW YORK
 Photo No. 14-30-31 Date of Map: 9-24-87
 Date of Photo: 3-1-85 Date of Revision: 3-1-91
 Scale: 1" = 100'

TOWN OF NEW WINDSOR
 Section No. 13

219
 ALL NEWBURGH SCHOOL DISTRICT
 ALL QUASSAICH BRIDGE FIRE DISTRICT

October 25, 1993

7

PACIONE, TOBIO

MR. NUGENT: Request for 200 s.f. lot area, 20 ft. front yard, 2 ft. 4 in. side yard, 14 ft. rear yard variances for existing deck and 7 ft. rear yard variance for existing shed at 30 Melrose Avenue in an R-4 Zone.

Mr. Tobio Pacione appeared before the board for this request.

MR. PACIONE: In the process of selling my home, I discovered that a C.O. was never issued on this property, I guess there's no property record in the Town, we've got to go through the expense of a survey and an engineer's report, here's a copy of the engineer's report. I owned the house about 15 years, we put on, we replaced the back stairway and porch with a deck but I did not get a permit for it at the time I I didn't think I needed it, we were replacing an existing porch and stairway and I also placed a shed 10 by 12 shed in my yard that I guess I should have got a permit for also but we're looking to sell the house, the house is in contract, we've already lost one deal because of the delays involved with finding out this information.

MR. TORLEY: How old is the house?

MR. PACIONE: We built it in '75, we purchased, it was built in '75, we purchased it in '78.

MR. LUCIA: I think there was a note on the plan or on your denial that the house was rebuilt apparently after a gas explosion.

MR. PACIONE: That is right, sir, yes, Spignardo property there was a Central Hudson gas leak explosion and house was rebuilt.

MR. LUCIA: Do we have any information or would you know for how long a gap there was between when the first house was destroyed and the one was rebuilt?

MR. PACIONE: I guess three or four years, Jack

Babcock, I bought the house from Jackie Babcock, he could tell you.

MR. LUCIA: The reason I raise the point if you look at the notice of denial, he was cited for Section 4826 E F, the problem with the application coming in in that form, those sections of the ordinance were not adopted until 1986. This house I gather was rebuilt in the mid '70's. So we're seeking a variance for something that clearly wasn't adopted until afterwards. I'm wondering just from the standpoint of logic whether since this was a house rebuilt on a similar site which lost its grandfathered status cause it was not occupied for a number of years, whether it's just better to treat this as standard area variances for everything he's looking for, for lot area, front yard, side yard, rear yard and rear yard on the shed.

MR. NUGENT: As a regular lot?

MR. LUCIA: Yeah, because many those non-conforming lot provisions weren't adopted until long after this house was built.

MR. NUGENT: If the house was rebuilt, rebuilt in a period of time and occupied even though he didn't own it, won't it still be grandfathered?

MR. LUCIA: I think it would be but with a three or four year gap, it probably lost it.

MR. NUGENT: I don't know if it was that long.

MR. TORLEY: If it was grandfathered in which of these variances would drop out?

MR. LUCIA: Probably all of them except for the new construction on the shed, the deck and whatever else he added.

MR. TORLEY: But that is--

MR. LANGANKE: He still has to go through the process and he's fighting a time element here.

October 25, 1993

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MR. NUGENT: He is trying to eliminate all of them.

MR. LUCIA: Deck and shed are new then?

MR. PACIONE: Yes.

MR. TORLEY: You said you built a deck to replace an old one?

MR. NUGENT: It's not exact size.

MR. LUCIA: You are here anyway, regardless it looks like--

MR. TORLEY: In that case, it would just be a question of re-writing the denial with the different paragraph sections on it.

MR. LUCIA: Yeah, I'd do it as a standard area variance, we're required by the zone, by the R-4 zone provided and variance required, it probably doesn't change the numbers any. It's just the sections, it's a little more complicated but unless the board wants to treat it that way but I think it may be setting a dangerous precedent where you are having him conform to an ordinance not adopted until after reconstruction.

MR. PACIONE: If I removed the shed, would it help if I removed the shed from the property?

MR. LUCIA: Or just pull it in to ten feet from the property line.

MR. PACIONE: I plan to remove it.

MR. TORLEY: Then you don't have to worry about the shed variance.

MR. NUGENT: That is just one less you'll have to deal with.

MR. TORLEY: But it is showing the applicant's desire to comply with the zoning as much as possible.

MR. NUGENT: Dan--

October 25, 1993

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MR. LANGANKE: That is a pretty big shed, what is it made out of?

MR. PACIONE: Wood with shingle. I have a relative that wants it, lives in the Town of Newburgh.

MR. NUGENT: Isn't the variance going to be larger if you do that?

MR. BABCOCK: Lot size, the front yard is still 35 feet, the side yards, instead of being 12 required is 15 where the rear yard still is at 40 so the required lot area would go from 5,000 to 15,000, well, it's 5,000 required Jimmy, he has a lot size of 4,800 so he needs a variance of 200.

MR. TORLEY: Why don't we let it stay as it is.

MR. NUGENT: It is an undersized lot.

MR. LUCIA: Certainly it's typical of all the lots in the neighborhood, all of which are undersized by current R4 standards.

MR. NUGENT: We're not changing anything just for him.

MR. LUCIA: I just raise it because of the issue on the dates but handle it any way.

MR. TANNER: If most of the lots are this size in the neighborhood, we're, you know, we're going to see his neighbors sooner or later, we'll just have to keep that in mind. You're going to see other people from the same area so treat him one way, we've got to.

MR. NUGENT: They are all small.

MR. LUCIA: Probably had a half dozen in the last four or five years from the same subdivision.

MR. NUGENT: We designed the undersized lot ordinance specifically to deal with these types of lots. It was originally from Beaver Dam area but fits right here too.

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MR. TANNER: I don't have a problem with going with it then.

MR. NUGENT: Any other questions? I'll accept a motion.

MR. TANNER: Make a motion we set him up for a public hearing.

MR. TORLEY: Second it.

ROLL CALL

MR. HOGAN	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. TANNER	AYE
MR. NUGENT	AYE

MS. BARNHART: Do I need a new Notice of Denial?

MR. BABCOCK: No, he's going to remove the shed.

MS. BARNHART: Do you have the same one I have? Pass that over to the building inspector.

MR. LUCIA: I notice your surveyor showed offsets to all of the property lines, does that 26 foot provide to the rear lot line? I think that was just incorporated in on the survey we had. And that is fine, we're not requiring you to have your survey or show it, the only reason I raise it you might want to doublecheck that measurement because this board only reacts to the numbers you give us so let's say it turns out that that 26 feet is wrong and it's really only 25 feet and your purchaser gets a new survey and catches it, you haven't advanced your cause any, you're back here again for a new variance so my advice is doublecheck the measurement to make sure you're asking for everything that you need. Pat will give you an application form with instruction sheet and if you would you fill it out and return it to her with two checks payable to the Town of New Windsor, one for \$50 application fee and

October 25, 1993

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second for \$292 deposit against Town consultant and reviews fees and various disbursements the board has in handling your application. I'm going to give you a copy of Section 267B of the Town Law. I put an arrow in the margin next to the relevant sections. When you come back, I'd appreciate it if you'd be prepared to speak to those 5 issues. This board, in deciding this variance must engage in the balancing test to weigh the benefit to you if the variance is granted as against the detriment of the health, safety and welfare of the community by granting you that variance and if you will speak to those 5 specific issues that will help this board obtain the evidence we need. Also when you come back, I'd like to see a copy of your deed and copy of the title policy and some photographs of the house and site. We don't need it, just bring it at the public hearing, we'll take care of it then and we do need photos of the site and just since really you're looking for area variances on all sides, might have photos of all angles of the house.

MR. PACIONE: Thank you.

9/93

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----X
In the Matter of Application for Variance of

Tobio Pacione

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

93-45.

-----X
STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On November 10, 1993, I compared the 113 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
10th day of November, 1993.

Pauline G. Townsend
Notary Public

PAULINE G. TOWNSEND
Notary Public, State of New York
No. 4643692
Appointed in Orange County
My Commission Expires December 31, 1993

(TA DOCDISK#7-030586.AOS)



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

113

November 8, 1993

Mr. Tobio J. Pacione
30 Melrose Ave.
New Windsor, NY 12553

Re: Tax Map Parcel #13-11-4 - Tobio & Susan Pacione

Dear Mr. Pacione:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$128.00, minus your deposit of \$25.00. Please remit the balance of \$103.00 to the Town Clerk's office.

Sincerely,

Leslie Cook (signature)

LESLIE COOK
Sole Assessor

LC/cmp
Attachments
cc: Pat Barnhart

Crudele. John & Anna T.
12 Merline Ave.
New Windsor. NY 12553

Petrillo. Ralph J. & Robert J. &
Drever. Gary
150 Walsh Road
New Windsor. NY 12553

Connolly. Harry T. & Marv C.
162 Walsh Ave.
New Windsor. NY 12553

Zamenick. Shirley & Frederick
160 Walsh Ave.
New Windsor. NY 12553

Pettine. Michael J. Jr. &
Lee. Geraldine A. &
Pettine. Frederick
102 Clancy Ave.
New Windsor. NY 12553

Lee. James D. & Geraldine A.
12 Lawrence Ave.
New Windsor. NY 12553

Thompson. Edward L. Jr.
22 Lawrence Ave.
New Windsor. NY 12553

Messina. Anthony
15 Merline Ave.
New Windsor. NY 12553

Dreyer. Gary & Darla
18 Veronica Ave.
New Windsor. NY 12553

Salko-Mable Furniture Inc.
170 Walsh Road
New Windsor. NY 12553

Rahm. Elizabeth F.
15 Lawrence Ave.
New Windsor. NY 12553

Hedden. Eileen G. &
Shafer. Irene
c/o Eileen G. Sharrow
19 Lawrence Ave.
New Windsor. NY 12553

Grzibowski, Chester J. & Evelyn T.
12 Melrose Ave.
New Windsor, NY 12553

Vesely, Joseph F. Jr. & Gail M.
172 Walsh Road
New Windsor, NY 12553

Cortz, Albert J. & Albert A. & Allison
178 Walsh Ave.
New Windsor, NY 12553

Ferrara, Stephen & Shirley June
1 Ora Street
New Windsor, NY 12553

Marullo, John V.
10 Blanche Ave.
New Windsor, NY 12553

Babcock, John T. & Angela Grace
12 Blanche Ave.
New Windsor, NY 12553

Vinson, Richard F. & Rebecca Mae
14 Blanche Ave
New Windsor, NY 12553

Etess, Joyce
13 Westbrook Road
Stonybrook Condos
Newburgh, NY 12550

DiDonato Edna & Toni
Blanche & Clancy Avenue
New Windsor, NY 12553

Coykendall Roy W.
& Kendall, Douglas
& Calcagni, Barbara A
25 Melrose Ave
New Windsor, NY 12553

Netz, Albert H.
c/o Lillian Delpha
37 Cross Road
Cochecton, NY 12726

Brown, Robert R. & Loretta
3 Melrose Ave
New Windsor nY 12553

Gerbes, Frank & Helen
24 Cedar Ave.
New Windsor, NY 12553

Gerbes, Frank P. Jr. & Mary M.
6 Clancy Ave
New Windsor, NY 12553

Kelley, Mary Osusky
17 Blanche Ave.
New Windsor, NY 12553

Osusky, Elizabeth
15 Blanche Ave.
New Windsor, NY 12553

O'Brien, Thomas & Kathleen
13 Blanche Ave
New Windsor, NY 12553

Caesar, Joseph F. & Cecelia
25 Clancy Ave.
New Windsor, NY 12553

Valenzano, Ralph E. & Katherine M.
26 Cedar Ave.
New Windsor, NY 12553

Jones, Katherine & Thomas
28 Cedar Ave.
New Windsor, NY 12553

Baranski, Charles & Jane H.
30 Cedar Ave.
New Windsor, NY 12553

Scott, William & Dorothy
8 Cedar Lane
New Windsor, NY 12553

3 D Realty Inc.
c/o DaMARIO, Carmine & Louise
61 Clancy Ave.
New Windsor, NY 12553

Fetzer, Robert N.
34 Cedar Ave.
New Windsor, NY 12553

Russio, Anthony L. & Helen M.
36 Cedar Ave
New Windsor, NY 12553

Leary John A.
6 Clarkwood Drive
Cornwall, NY 12518

Maley, Lillian K.
40 Cedar Ave.
New Windsor, NY 12553

Orzechowski Zygmunt & Stella
61 Blanche Ave
New Windsor, NY 12553

Gandolfini, Lino & Ida
c/o Ms. Linda L. Gandolfini Cox
PO Box 83
Valley Forge, PA 19481

Mowery, Johanna C. & Lawrence C. Jr
69 Bradford Ave
New Windsor, NY 12553

Furchak, William J.
63 Blanche Ave
New Windsor, NY 12553

Mans, Clarence P.
Box 247
Vails Gate, NY 12584

Robinson, Gordon L. & Bernice L.
43 Blanche Ave
New Windsor, NY 12553

Connor, Robert E. & Kathleen
PO Box 4112
New Windsor, NY 12553

Detz, Dorothy
39 Blanche Ave
New Windsor, NY 12553

Irwin, Albert & Stella
35 Blanche Ave
New Windsor, NY 12553

Stent, Jeffrey A. & Jeanne S.
15 Melrose Ave
New Windsor, NY 12553

Szajko, Nicholas James & Angela S.
24 Clancy Ave
New Windsor, NY 12553

Conklin, Joseph H. & Agnes
28 Blanche Ave
New Windsor, NY 12553

Grossholtz, Rose
19 Windsor Drive
New Windsor, NY 12553

Rahemba, Joseph C. & Joyce M
40 Blanche Ave
New Windsor, NY 12553

Simanoski, Charles & Anna
15 Bradford Ave
New Windsor, NY 12553

Yonnone, Cosmo & Stephanie
67 Myrtle Ave
New Windsor, NY 12553

Stanford, Leroy & Rosemarie
53 Melrose Ave
New Windsor, NY 12553

Konrad, John & Helen
49 Melrose Ave
New Windsor, NY 12553

Kirk, George O. & Donna M.
45 Melrose Ave
New Windsor, NY 12553

Monteleone, Angela
37 Melrose Ave
New Windsor, NY 12553

Starr, Edward P. & Pauline
33 Melrose Ave
New Windsor, NY 12553

Coykendall, Roy W.
25 Melrose Ave
New Windsor, NY 12553

Ramos, William
17 Melrose Ave
New Windsor, NY 12553

Gandolfini, Peter L. & Christine M.
16 Melrose Ave
New Windsor, NY 12553

Kelly, John & Jayne M.
20 Melrose Ave.
New Windsor, NY 12553

Gaydos, Robert P.
19 Continental Drive
New Windsor, NY 12553

Rumsey, Mira Ellen
c/o Mira Ellen Blythe
7 Perry Street
Morristown, NJ 07960

Kulik, Amelia
38 Melrose Ave.
New Windsor, NY 12553

Kirk, Jeffrey W. & Frances F.
46 Melrose Ave.
New Windsor, NY 12553

Simanoski, Edward A. & Helen B.
56 Melrose Ave.
New Windsor, NY 12553

Mikutis, Anthony & Helen
44 Melrose Ave.
New Windsor, NY 12553

Rymaszewski, Wanda & Malinowski, Thaddeus E.
39 Lawrence Ave.
New Windsor, NY 12553

Sanguinetti, Bradley A. & Paula
33 Lawrence Ave.
New Windsor, NY 12553

Smedley, Frank S.
27 Lawrence Ave.
New Windsor, NY 12553

Sears, James W. & Rose T.
35 Merline Ave.
New Windsor, NY 12553

Boast, Ryan & Stacey
104 Lakeside Rd.
Newburgh, NY 12550

Cimorelli, Gus & Anna S.
29 Merline Ave.
New Windsor, NY 12553

Garzione, Nicholas A. & Jean
27 Merline Ave.
New Windsor, NY 12553

Tolnai, Katalin
25 Merline Ave.
New Windsor, NY 12553

Crudele, Alfred T.
64 Clancy Ave.
New Windsor, NY 12553

Maslowski, Carol
22 Merline Ave.
New Windsor, NY 12553

Rhodes, Charles V. Jr. & Ann E.
19 Merline Ave.
New Windsor, NY 12553

The Disabled American Veterans
c/o The Thomas D. Peterkin Post Chapter 152
Attn: Treasurer
30 Lawrence Ave.
New Windsor, NY 12553

Kadian, Dennis & Linda
36 Lawrence Ave.
New Windsor, NY 12553

Bernabo, Gina M.
40 Lawrence Ave.
New Windsor, NY 12553

Nieves, Christina
44 Lawrence Ave.
New Windsor, NY 12553

Rymaszewski, John & Helen
PO Box 1271
Huntington, NY 11743

Robinson, Christine
60 Lawrence Ave.
New Windsor, NY 12553

Colon, Abie M.
57 Merline Ave.
New Windsor, NY 12553

Piperato, Rose M. ETAL
51 Merline Ave.
New Windsor, NY 12553

Masarachia, Joseph & Mary
PO Box 2421
Newburgh, NY 12550

DeToro, Thomas W. & Rose M.
45 Merline Ave.
New Windsor, NY 12553

Nieves, Malinda
c/o Tiberio Corrieri
44 Merline Ave.
New Windsor, NY 12553

Kerr, Hazelton M. & Anna V.
37 Merline Ave.
New Windsor, NY 12553

Davis, Charles H. & Fanny
30 Merline Ave.
New Windsor, NY 12553

Hulse, Byron & Mary
34 Merline Ave.
New Windsor, NY 12553

Smith, Everett & Mary
34 Merline Ave.
New Windsor, NY 12553

Gillispie, Gerald & Livingstone, Joan
36 Merline Ave.
New Windsor, NY 12553

Calvanico, Dominick A. & Darien M.
42 Merline Ave.
New Windsor, NY 12553

Manning, George & Shiela M.
46 Merline Ave.
New Windsor, NY 12553

Stuit, Jerry O.
48 Merline Ave.
New Windsor, NY 12553

Maher, Dennis P. & Joan L.
54 Merline Ave.
New Windsor, NY 12553

Hotaling, Richard R. & Mary Ann ETAL
95 Myrtle Ave.
New Windsor, NY 12553

Marshall, Barry F. & Mary Ann
31 Myrtle Ave.
New Windsor, NY 12553

Choudhry, Azam
PO Box 4636
New Windsor, NY 12553

Babcock, John T. Jr. & McAteer, Colleen
23 Myrtle Ave.
New Windsor, NY 12553

Kaczmarek, John
13 Myrtle Ave.
New Windsor, NY 12553

Esposito, Anthony & Iolanda
65 Bradford St.
New Windsor, NY 12553

Greiner, Judy A.
70 Lawrence Ave.
New Windsor, NY 12553

Olympia, Susan C.
58 Melrose Ave.
New Windsor, NY 12553

D'Amico, William & Marie C.
64 Melrose Ave.
New Windsor, NY 12553

Russell, Dennis W. & Barbara G.
55 Melrose Ave.
New Windsor, NY 12553

Kissam, Dolores
17 Bradford Ave.
New Windsor, NY 12553

Gerbes, Richard & Wendy
59 Melrose Ave.
New Windsor, NY 12553

*Pls. publish immediately. Send bill to: Applicant at 278 Quassaick Ave.
N.Y. 12553.
Today!*

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 45

Request of TOBIO PACIONE

for a VARIANCE of

the regulations of the Zoning Local Law to

permit existing residence with insufficient lot area and
front yard; existing deck with insufficient side yard and
rear yard; existing shed with insufficient rear yard;

being a VARIANCE of

Section 48-12 - Table of Use Bulk Regs. - Cols. C, E, F, G

for property situated as follows:

30 Melrose Avenue, New Windsor, N. Y., known as tax

lot Section 13 - Blk. 11 - Lot 4.

SAID HEARING will take place on the 22nd day of
November, 1993, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

JAMES NUGENT
Chairman

By: Patricia A. Barnhart, Secy.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

93-45.

Date: 11/9/93.

I. ✓ Applicant Information:

- (a) TOBIO AND SUSAN PACIONE, 30 MELROSE AVE. NEW WINDSOR, NY 562-5457
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) CHARLES OBREMSKI 321 MAIN ST. CORNWALL, NY 534-9500
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

☐ Use Variance

☐ Sign Variance

☒ Area Variance

☐ Interpretation

III. ✓ Property Information:

- (a) R-4 30 MELROSE AVE. NEW WINDSOR 13-11-4 4,800 SQ. FT.
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? N/A
- (c) Is a pending sale or lease subject to ZBA approval of this application? YES
- (d) When was property purchased by present owner? MARCH 23, 1978
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____

N/A

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. ✓ Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of USE / BULK Regs., Col. C, E, F, G.
Sec. 48-26 E1

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>5,000 s.f.</u>	<u>4,800 s.f.</u>	<u>200 s.f.</u>
Min. Lot Width		
Reqd. Front Yd. <u>35 ft.</u>	<u>15 ft.</u>	<u>20 ft.</u>
(Deck) Reqd. Side Yd. <u>12 ft.</u>	<u>9 ft. 8 in.</u>	<u>2 ft. 4 in.</u>
(Sheel) Reqd. Rear Yd. <u>10 ft.</u>	<u>3 ft.</u>	<u>7 ft.</u>
(Deck) Reqd. Rear Yd. <u>40 ft.</u>	<u>26 ft.</u>	<u>14 ft.</u>
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____		
Parking Area _____		

* Residential Districts only

** No-residential districts only

✓(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

Describe why you believe the ZBA should grant your application for an area variance:

HOUSE/DECK CONFORMS IN MANY WAYS WITH ALL SURROUNDING
HOUSES OF WHICH ALL ARE LOCATED ON SMALL LOTS. THE BENEFIT
CAN NOT BE ACHIEVED BY ANY OTHER METHOD. PROPOSED VARIANCE
WILL HAVE NO ADVERSE EFFECT ON THE PHYSICAL OR ENVIRONMENTAL
CONDITIONS IN THE NEIGHBORHOOD. I REPLACED MY BACK SCREEN AND
PORCH THAT HAD ROTTEN AWAY TO THE POINT OF BEING A SAFETY HAZARD.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A*

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) *N/A* What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation: *N/A*

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

BACK STAIRWAY AND PORCH HAD TO BE REPLACED DUE TO SAFETY HAZARD (WOOD ROT) PRESSURE TREATED LUMBER USED TO CONSTRUCT NEW STAIRWAY AND PORCH. WOOD SHED USED FOR STORAGE OF LAWN MOWER, TOOLS, SNOW BLOWER, THESE ITEMS WOULD HAVE HAD TO BE STORED OUTSIDE.

IX. Attachments required:

- ✓ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
✓ Copy of tax map showing adjacent properties.

- N/A. Copy of contract of sale, lease or franchise agreement.
✓ Copy of deed and title policy.
✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
N/A Copy(ies) of sign(s) with dimensions and location.
✓ Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$291.00, each payable to the TOWN OF NEW WINDSOR.
✓ Photographs of existing premises from several angles.

X. Affidavit.

Date: 11/9/93

STATE OF NEW YORK)
) SS.:
 COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.


 (Applicant)

Sworn to before me this

9th day of November, 1993.

PATRICIA A. BARNHART
 Notary Public, State of New York
 No. 611134
 Qualified in Orange County
 Commission Expires August 31, 1995.

XI. ZBA Action:

(a) Public Hearing date: _____.

(b) Variance: Granted (☐) Denied (☐)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

~~LIBER 2094~~ PAGE ~~1126~~

THIS INDENTURE, made the **23** day of March, nineteen hundred and seventy-eight,
BETWEEN JOHN BABCOCK, residing at 12 Blanche Avenue, New Windsor,
New York,

party of the first part, and TOBIO PACIONE and SUSAN PACIONE, residing at
10 Pleasant View Avenue, Newburgh, New York; as tenants by the
entirety;

party of the second part,

WITNESSETH, that the party of the first part, in consideration of **TWENTY SIX THOUSAND"**

FIVE HUNDRED (\$26,500.00) DOLLARS ----- dollars,

lawful money of the United States, and other good and valuable considerations paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or

successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,

lying and being in the Town of New Windsor, Orange County, New York, being
lots numbered 224 and 225 on a Map or Plan of City Park, dated
August 16th, 1909 made by A. L. Eliot, Civil Engineer, and filed
in the Office of the Clerk of Orange County on August 30, 1909
as Map #647.

Together with the fee insofar as the parties of the first part have
the right so to convey the same, of all the streets and ways shown
on said map or plan, in common with the owners of the other lots
shown on said plan, and subject to the right of all of said lot
owners to make any customary use of said streets and ways.

Restrictions: No house costing less than four hundred dollars shall
be built on said lots.

BEING and intended to be the same premises conveyed by deed dated
November 19, 1975, by John Petro to John Babcock and recorded in
the Orange County Clerk's Office on November 21, 1975, in Liber
2023 of Deeds at Page 97.

This conveyance is made and accepted subject to an indebtedness se-
cured by a mortgage upon said premises held by the Savings & Loan
Assoc. of Newburgh, New York, which mortgage was dated the 9th day
of January, 1976, in the amount of \$20,000.00 and recorded in
Liber 1689 of mortgages at Page 182, upon which mortgage there is
now due the balance of \$19,317.07, together with interest from
March, 1978, which said mortgage the parties of the second part
agree to assume and pay.

STATE OF NEW YORK, COUNTY OF ORANGE

SS:

On the 23 day of March, 1978, before me personally came JOHN BABCOCK

LIBER 2094

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.


Notary Public

JERALD FIEDELHOLTZ
Notary Public, State of New York
Residing in Orange County
Commission Expires Mar. 30 1979 79

STATE OF NEW YORK, COUNTY OF

SS:

On the day of 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

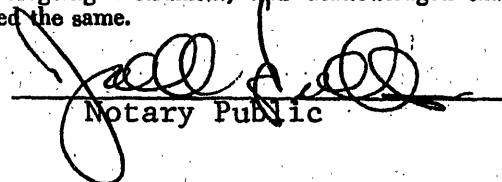
, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF ORANGE

SS:

On the 27 day of March, 1978, before me personally came TOBIO PACIONE and SUSAN PACIONE

to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they executed the same.


Notary Public

JERALD FIEDELHOLTZ
Notary Public, State of New York
Residing in Orange County
Commission Expires Mar. 30 1979 79

STATE OF NEW YORK, COUNTY OF

SS:

On the day of 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

JOHN BABCOCK

SECTION

BLOCK


LOT

COUNTY OR TOWN

825
12

he executed the same.

executed the foregoing instrument, and acknowledged that they executed the same.


Notary Public

HERALD BUILDING
Notary Public, State of New York
Residing at Chicago, Ill.
Commenced at 10:00 A.M.

79

Notary Public

GERALD FIEDELHOLTZ
Notary Public, State of New York
Residing in Orange County
Commission Expires Mar. 30 1972

29

STATE OF NEW YORK, COUNTY OF

532

On the day of 19 , before me personally came
to me known, who, being by me duly sworn, did depose and say that he resides at No. .

that he is the
of

in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

32

On the day of 19 , before me
personally came
to me known, who, being by me duly sworn, did depose and
say that he resides at No.

that he is the
of

in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

JOHN BABCOCK

TO

TOBIO PACIONE and SUSAN PACIONE

SECTION

BLOCK

LOT

COUNTY OR TOWN

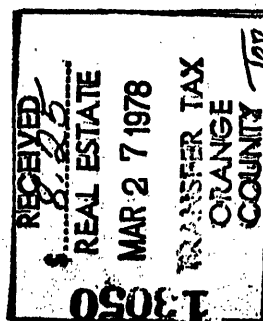
825
10

RETURN BY MAIL TO:

Albert P. Pacione, Jr. Esq.
P. O. Box 4109
New Windsor, N. Y. 12550

Zip No.

Reserve this space for use of Recording Office.



Orange County Clerk's Office. s.s.

Recorded on the 17th day

March 19 1787 at

clock # M in liber 209 f

Seele at page 1126

and Examined.

14-00000

~~Jack L. L. Clerk~~

[Handwritten signature]

100

1

100

... ..

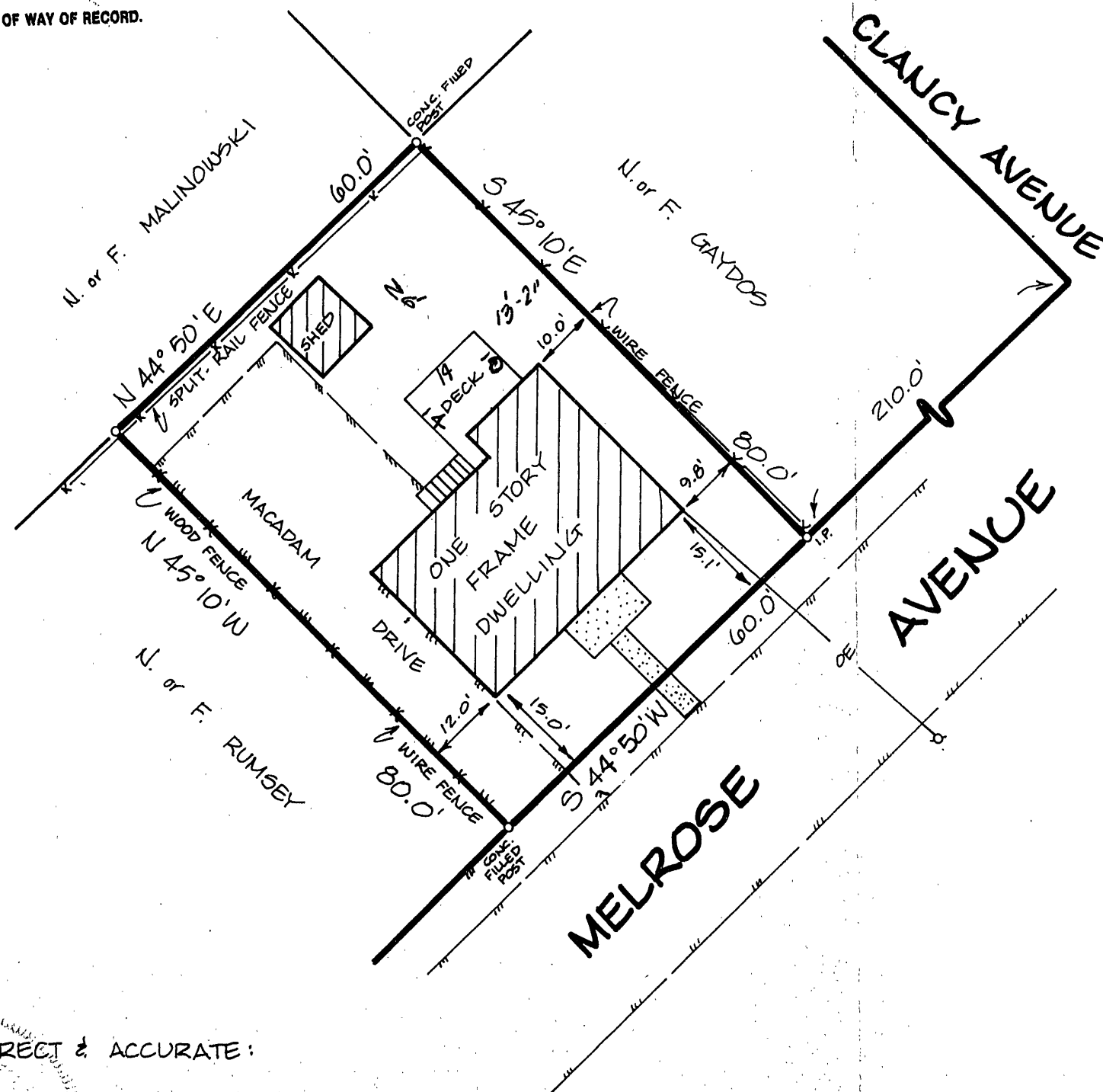
100

1

Lisa - [565-6700]

REFERENCE: BEING LOTS # 224 & 225, AS SHOWN ON A MAP ENTITLED "CITY PARK" FILED AT THE ORANGE COUNTY CLERK'S OFFICE AUGUST 30, 1909 AS MAP # 647.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT HAVING THE EMBOSSED SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID. CERTIFICATIONS ARE NOT TRANSFERRABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. SUBJECT TO ANY EASEMENTS OR RIGHTS OF WAY OF RECORD.



SURVEY
OF PROPERTY FOR

TOBIO & SUSAN PACIONE

TOWN OF NEW WINDSOR

ORANGE COUNTY, NEW YORK

SCALE: 1" = 20' SEPT. 27, 1993 AREA: 4,800 ±

CERTIFIED TO BE CORRECT & ACCURATE:

Frank M. Hoens

FRANK M. HOENS, NYS. PLS. LIC. # 49314

FRANK M. HOENS

PROFESSIONAL LAND SURVEYOR

GOSHEN, NEW YORK